



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

MAIL

OCT 11 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION

In re Application of

Kenji Nemoto

Application No. 09/426,654

Filed: October 25, 1999

For: **RADIO COMMUNICATION SYSTEM AND
METHOD FOR CALCULATING TRANSMISSION
TIMING BETWEEN A TERMINAL UNIT AND A
BASE STATION BASED UPON LOCATION,
DISTANCE, OR PROPAGATION TIME**

This is a decision on the Petition to Withdraw Holding of Abandonment filed August 25, 2005, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The application was held abandoned for failure to respond in a timely and effective manner to the Office communication mailed January 26, 2005. A Notice of Abandonment has not been mailed.

Petitioner alleges to have timely filed a response to said Office communication on May 6, 2005 and resubmitted on May 16, 2005. In support thereof, a statement from Ms. Brandi Franklin notified the Office that the response for the instant application was inadvertently filed with the wrong serial number.

A review of the other application file did not find either the May 6, 2005 or May 16, 2005 submissions, but did result in discovery of a re-submitted request filed on August 5, 2005. The re-submission was indicated to have been a copy of the submissions filed on May 6 and then again on May 16, 2005. The resubmission of August 5, 2005 included a copy of: the request for RCE, petition for extension of time, copy of amendment, a copy of the auto-reply facsimile transmittal of May 16, 2005 and a transmittal letter which itemized the RCE request, amendment and petition for extension of time, and the inclusion of a certificate of transmission mailing dated May 6, 2005. Each of the correspondence items previously mentioned, included an incorrect serial number and was therefore improperly matched to the wrong application. The original transmittal, with certificate of transmission mailing of May 6, 2005, was however provided with the correct inventor name, filing date, attorney docket number, art unit and examiner information.

Therefore it is determined that the application was not abandoned in fact. Accordingly, the response was removed from the other application and associated with the subject application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff for entry of the copy of the request, amendment and petition for extension of time which accompanied the August 5, 2005 response, noting timely receipt as of the Certificate of Transmission/Mailing, May 6, 2005. From there, the file will be forwarded to the examiner for appropriate action in due course.



Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications